

## 46 Am. Jur. 2d Judges § 165

American Jurisprudence, Second Edition | February 2022 Update

### Judges

Glenda K. Harnad, J.D.; and Kristina E. Music Biro, J.D., of the staff of the National Legal Research Group, Inc.

### IX. Disqualification to Act in Particular Case

#### C. Remedies and Procedure

##### 1. In General

## § 165. Duty of judge to disqualify self—Where judge is called as a witness

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  50, 51(1)

### Forms

Forms relating to judge disqualifying, transferring case, or designating a pro tem judge, generally, see Am. Jur. Pleading and Practice Forms, Judges [\[Westlaw®\(r\) Search Query\]](#)

A judge who will be called as a witness for either party should, if the judge has adequate notice, certify the judge's disqualification where necessary and make whatever necessary arrangements to have another judge presiding at the trial.<sup>1</sup> If notice is insufficient to make such an arrangement, the judge should refuse to testify as a witness in the case,<sup>2</sup> at least on matters that can be proved by another witness.<sup>3</sup>

© 2022 Thomson Reuters. 33-34B © 2022 Thomson Reuters/RIA. No Claim to Orig. U.S. Govt. Works. All rights reserved.

### Footnotes

- 1 [Brashier v. State](#), 197 Miss. 237, 20 So. 2d 65, 157 A.L.R. 311 (1944).
- 2 [Brashier v. State](#), 197 Miss. 237, 20 So. 2d 65, 157 A.L.R. 311 (1944).
- 3 [Kennedy v. State](#), 59 Okla. Crim. 11, 55 P.2d 792 (1936).  
As to disqualification of a judge as a witness, see §§ 98 to 101.

---

End of Document

© 2022 Thomson Reuters. No claim to original U.S. Government Works.